

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS, III,)
)
)
Plaintiff,)
)
)
v.) No. 4:15-CV-485 CAS
)
MICHAEL A. BLANKS, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's first amended complaint [Doc. 11]. After reviewing plaintiff's previously filed pleadings, the Court will instruct him to file a second amended complaint on a Court-provided form, as more fully set forth below.

The First Amended Complaint

Plaintiff seeks monetary relief in this 42 U.S.C. § 1983 action against three City of St. Louis police officers. Rather than completing the Section IV "Statement of Claim" portion of the Court-provided complaint, plaintiff chose to attach a "Memorandum for Clerk," which fails to set forth a short and plain statement of his claims against defendants. Having carefully reviewed this submission, the Court is not sure exactly what the nature of plaintiff's claims are relative to each of the named defendants.

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to abide by the Federal Rules of Civil Procedure. See Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 856 (8th Cir. 1996); Brown v. Frey, 806 F.2d 801, 804 (8th Cir. 1986); see also Fed. R. Civ. P. 8(a)(2) (complaint should contain short and plain statement of claims); Fed.R.Civ.P. 8(e)(2) (each claim

shall be simple, concise, and direct); Fed.R.Civ.P. 10(b) (parties are to separate their claims within their pleadings, the contents of which shall be limited as far as practicable to a single set of circumstances). Although the Court is to give the complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004). Plaintiff is required, to the best of his ability, to set out in a simple, concise and direct manner, not only his claims, but also the facts supporting these claims as to each named defendant. Because plaintiff has failed to do this, the Court is unable to determine the nature of his claims.

Taking into consideration the fact that plaintiff is proceeding pro se and in forma pauperis, the Court will grant him time to file a second amended complaint. The second amended complaint shall be typed or legibly handwritten on a Court-provided form for filing a civil complaint. Plaintiff is advised that his second amended complaint will completely replace his original and first amended complaints and will be the only pleading this Court reviews. Plaintiff must state the capacity in which he is suing the defendants (i.e., individual, official, or both). In the section of the complaint entitled "Statement of Claim," plaintiff must set out, in separate numbered paragraphs and in a simple, concise and direct manner, the specific facts relative to his claim(s) against each named defendant. Plaintiff should not attach exhibits to his complaint. Plaintiff is cautioned that he risks dismissal of the instant action if he fails to comply with this Court's instructions.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall submit a second amended complaint, in accordance with the instructions set forth in this Memorandum and Order, by **July 20, 2015..**

Plaintiff is advised that his failure to comply fully and timely with this Order will result of the dismissal of this action, without prejudice and without further notice to him.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail to plaintiff a blank form complaint for the filing of a prisoner civil rights complaint.

IT IS FURTHER ORDERED that the Clerk of the Court shall modify the docket sheet to change the name of defendant “Unknown Blanks” to defendant “Michael A. Blanks,” based on information provided by plaintiff in Document 12.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of June, 2015.